

ASSEMBLY BILL

No. 168

Introduced by Assembly Member Wilk

January 24, 2013

An act to amend 11001.5 of the Revenue and Taxation Code, relating to local government finance.

LEGISLATIVE COUNSEL'S DIGEST

AB 168, as introduced, Wilk. Local government finance: vehicle license fee revenues: allocations.

The Vehicle License Fee Law establishes, in lieu of any ad valorem property tax upon vehicles, an annual license fee for any vehicle subject to registration in this state. Under existing law, the Controller is required to allocate vehicle license fee revenues in the Motor Vehicle License Fee Account according to a specified order, with moneys allocated on or after July 1, 2004, but before July 1, 2011, first to the County of Orange, next to each city and county meeting specified criteria, and on or after July 1, 2011, to the Local Law Enforcement Services Account in the Local Revenue Fund, for allocation to cities, counties, and cities and counties.

This bill would make technical, nonsubstantive changes to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 11001.5 of the Revenue and Taxation Code, as amended by Section 7 of Chapter 35 of the Statutes of 2011, is amended to read:

11001.5. (a) (1) Notwithstanding Section 11001, and except as provided in paragraph (2) and in subdivisions (b) and (d), 24.33 percent, and on and after July 1, 2004, 74.9 percent, of the moneys collected by the department under this part shall be reported monthly to the Controller, and at the same time, deposited in the State Treasury to the credit of the Local Revenue Fund, as established pursuant to Section 17600 of the Welfare and Institutions Code. All other moneys collected by the department under this part shall continue to be deposited to the credit of the Motor Vehicle License Fee Account in the Transportation Tax Fund and ~~in accordance with~~ *pursuant to* the following:

(A) Before July 1, 2011, first allocated to the County of Orange as provided in subdivision (b) of Section 11005 and as necessary for the service of indebtedness as pledged by Sections 25350.6 and 53585.1 of the Government Code and ~~in accordance with~~ *pursuant to* written instructions provided by the Controller under Sections 25350.7, 25350.9, and 53585.1 of the Government Code, and the balance shall be allocated to each city and county as otherwise provided by law.

(B) On and after July 1, 2011, allocated pursuant to subdivision (a) of Section 11005.

(2) For the period beginning on and after July 1, 2003, and ending on February 29, 2004, the Controller shall deposit an amount equal to 28.07 percent of the moneys collected by the department under this part in the State Treasury to the credit of the Local Revenue Fund. All other moneys collected by the department under this part shall continue to be deposited to the credit of the Motor Vehicle License Fee Account in the Transportation Tax Fund and allocated to each city, county, and city and county as otherwise provided by law.

(b) (1) Notwithstanding Section 11001, net funds collected as a result of procedures developed for greater compliance with vehicle license fee laws in order to increase the amount of vehicle license fee collections shall be reported monthly to the Controller, and at the same time, deposited in the State Treasury to the credit

1 of the Vehicle License Collection Account of the Local Revenue
2 Fund as established pursuant to Section 17600 of the Welfare and
3 Institutions Code. All revenues in excess of fourteen million dollars
4 (\$14,000,000) in the 2004–05 fiscal year and in any fiscal year
5 thereafter shall be allocated to cities, counties, and cities and
6 counties as follows:

7 (A) (i) Fifty percent shall be paid to the cities and cities and
8 counties of this state in the proportion that the population of each
9 city or city and county bears to the total population of all cities
10 and cities and counties in this state, as determined by the population
11 research unit of the Department of Finance. For purposes of this
12 subparagraph, the population of each city or city and county is that
13 population determined by the last federal decennial or special
14 census, or a subsequent census validated by the population research
15 unit or subsequent estimate prepared pursuant to Section 2107.2
16 of the Streets and Highways Code.

17 (ii) In the case of a city incorporated subsequent to the last
18 federal census, or a subsequent census validated by the population
19 research unit, the population research unit shall determine the
20 population of the city. In the case of unincorporated territory
21 annexed to a city subsequent to the last federal census, or a
22 subsequent census validated by the population research unit, the
23 population research unit shall determine the population of the
24 annexed territory by the use of any federal decennial or special
25 census, or estimate prepared pursuant to Section 2107.2 of the
26 Streets and Highways Code. In the case of the consolidation of
27 one city with another subsequent to the last federal census, or a
28 subsequent census validated by the population research unit, the
29 population of the consolidated city, for the purpose of this
30 subparagraph, is the aggregate population of the respective cities
31 as determined by the last federal census, or a subsequent census
32 or estimate validated by the population research unit.

33 (B) Fifty percent shall be paid to the counties and cities and
34 counties in the proportion that the population of each county or
35 city and county bears to the total population of all counties and
36 cities and counties, as determined by the population research unit.
37 For purposes of this subparagraph, the population of each county
38 or city and county is that determined by the last federal census, or
39 subsequent census validated by the population research unit, or as
40 determined by Section 11005.6 of the Revenue and Taxation Code.

(2) The amendments made to this section by the act that added this paragraph are operative upon the enactment of that act. However, the amendments made by the act that added this paragraph apply to revenues in the Vehicle License Collection Account in excess of fourteen million dollars (\$14,000,000) in the 2004–05 fiscal year and any fiscal year thereafter.

(c) Notwithstanding Section 11001, 25.72 percent of the moneys collected by the department on or after August 1, 1991, and before August 1, 1992, under this part shall be reported monthly to the Controller, and at the same time, deposited in the State Treasury to the credit of the Local Revenue Fund, as established pursuant to Section 17600 of the Welfare and Institutions Code. All other moneys collected by the department under this part shall continue to be deposited to the credit of the Motor Vehicle License Fee Account in the Transportation Tax Fund and allocated to each city, county, and city and county as otherwise provided by law.

(d) Notwithstanding any other ~~provision of~~ law, both of the following apply:

(1) This section is operative for the period beginning on and after March 1, 2004.

(2) It is the intent of the Legislature that the total amount deposited by the Controller in the State Treasury to the credit of the Local Revenue Fund for the 2003–04 fiscal year be equal to the total amount that would have been deposited to the credit of the Local Revenue Fund if paragraph (1) of subdivision (a) was applied during that entire fiscal year. The department shall calculate and notify the Controller of the adjustment amounts that are required by this paragraph to be deposited in the State Treasury to the credit of the Local Revenue Fund. The amounts deposited in the State Treasury to the credit of the Local Revenue Fund pursuant to this paragraph shall be deemed to have been deposited during the 2003–04 fiscal year.

(e) This section ~~does~~ *shall* not amend nor is it intended to amend or impair Section 25350 and following of, Section 53584 and following of, the Government Code, or any other statute dealing with the interception of funds.

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